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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Arturo Olivarez,

Plaintiff,

vs.

Commissioner of Social
Security,

Defendant.

No. CV 97-2680 PHX RCB

O R D E R

Currently before the Court is a motion for attorney's fees pursuant to 42 U.S.C. § 406(b) (doc. # 33) filed by Plaintiff on October 26, 2006. The last activity in the case prior to the filing of this motion was an order entered on December 3, 1999 (doc. # 32) granting the parties' stipulation for Defendant to pay \$2,262.50 for Plaintiff's legal fees. It is apparent from the record, as well as the substance of Plaintiff's motion, see Mot. (doc. # 33), Ex. D, that this item was filed by error in this case, when it should have been filed in the matter of Olivarez v. Barnhart, No. CV-04-2818-PHX-SRB (D. Ariz. 2004). Indeed, it appears that the parties have recognized this, and that the matter

1 has already been resolved by stipulation in the other case. See
2 Olivarez v. Barnhart, No. CV-04-2818-PHX-SRB (D. Ariz. 2004) (doc.
3 ## 22-25).

4 **IT IS THEREFORE ORDERED** that Plaintiff's motion for attorney's
5 fees (doc. # 33) is DENIED as moot.

6 DATED this 25th day of June, 2007.

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10 Robert C. Broomfield
11 Senior United States District Judge

12 Copies to counsel of record
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